

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-17 remain in the application.

In item 2 on page 2 of the above-mentioned Office action, claims 1-17 have been rejected as being anticipated by Blake (US Pat. No. 3,758,928) under 35 U.S.C. § 102(b).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

the at least one cutting element defining at least one cutting edge and at least one notching segment.

Claim 7 calls for, inter alia:

the tool having at least one cutting edge and at least one notching segment inside the cutting edge and projecting over the cutting plane.

Claim 12 calls for, inter alia:

forming a cutting edge and a notching element into at least one cutting element.

In the state of the art, the preparation of the material is performed in two distinct steps. The first is cutting the material and the second is roughening the material. In bookbinding, the cutting is performed to level the back of the books prior to gluing and the notching is performed to add notches into the previously leveled back of the book to enhance the quality of the gluing.

The state of the art includes processing elements for cutting and processing elements for roughening which are both on the same disk. However, the invention of the instant application goes further than that by combining the two functions on one processing element. It is noted that in the invention of the instant application, the processing element is not the cutting ring (30), but the teeth (32) attached to the disk. Those teeth/processing elements (32) have two functions. One function is cutting by using the cutting segment (34) with at least one cutting edge (37) on the side of the processing element as can be seen, for example, in Figs. 5 and 6. The other function is the roughening of the material by using the notching segment (36) on top of the processing element.

The device of Blake only introduces notches into the material, thus roughening it. Although Blake calls his roughening bit a "cutting bit" 26 or 42, the entire element only performs one function, namely producing a notch in the material. This is in contrast to the invention of the instant application where a single processing element performs two functions, namely cutting and notching.

Clearly, Blake does not show "the at least one cutting element defining at least one cutting edge and at least one notching segment," as recited in claim 1, "the tool having at least one cutting edge and at least one notching segment inside the cutting edge and projecting over the cutting plane," as recited in claim 7, and "forming a cutting edge and a notching element into at least one cutting element," as recited in claim 12 of the instant application.

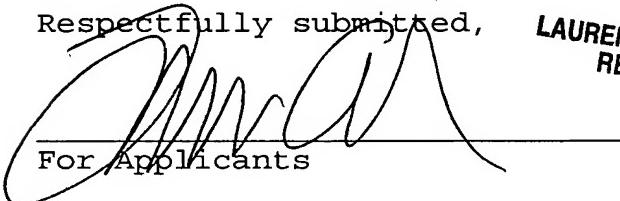
Claims 1, 7, and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 7, or 12, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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